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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,518	01/06/2004	Brian S. Hilton	117058	3343
25944	7590	02/06/2006	EXAMINER	
OLIFF & BERRIDGE, PLC				VO, ANH T N
P.O. BOX 19928				ART UNIT
ALEXANDRIA, VA 22320				PAPER NUMBER
				2861

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/751,518	HILTON ET AL.	
	Examiner Anh T.N. Vo	Art Unit 2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 November 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ .   | 6) <input type="checkbox"/> Other: _____ .                                  |

***FINAL REJECTION***

The objection of claims 5, 10 and 19 is withdrawn in view of the amendments to these claims.

The rejections over Oda et al. (US Pat. 6,520,630) and Allen (US Pat. 4,968,998) are withdrawn in view of the amendments to the claims.

***Claim Objection***

The claims are objected to in that “one” on line 7 of claims 1 and 7 should be changed to --said one-- for proper support. Also, the recitation “the level” on line 12 lacks clear antecedent basis. Correction is required.

***CLAIM REJECTIONS***

***Claim Rejections - 35 USC § 112***

Claims 7-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Correction or clarification is required.

In claim 7, the recitation “gravitational direction” on lines 11-12 is confusing because it is unclear if this is additional “direction” or further recitation of the previously claimed “direction” on line 9.

The remaining claims are dependent from the above claims and therefore also considered indefinite.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-7, 9-13, 15-16 and 18-19 are rejected under 35 USC 102 (b) as being anticipated by Kobayashi et al (US 6,390,611).

Kobayashi et al. discloses in Figures 2, 4A-4B and 7 an ink supply system for an ink jet print head comprising:

- an ink jet head (5, Figure 2);
- a fluid reservoir (4, Figure 2) having top, bottom and side walls defining an interior volume for housing fluid;
- a venting port (23) provided on one of the reservoir walls and having an open end; and
- a fluid inlet port (21) provided on one of the reservoir walls and having an open end, the open end of the venting port (23) and the open end of fluid inlet port (21) being located at substantially the same level, in gravitational direction, to increase volumetric efficiency and reduce staining (Fig. 3);
- Wherein the venting port (23) and the fluid inlet port (21) are located in the top wall of the fluid reservoir (20) (Fig. 3);
- Wherein at least one of the venting port (23) and the fluid inlet port (21) having a seal (20a-20b, 22a-22b);
- Wherein the seal (20a-20b, 22a-22b) are the poppet valves;
- Wherein the fluid inlet port (64, Figure 7) having an open end, the open end being located at a higher level in a gravitational direction than the open end of the venting port (62); and
- a tube formed from the open end of the venting port (62) and having an opening to the atmosphere at a level in a gravitational direction, at least equal to the level in the gravitational directions of the open end of the fluid inlet port (64).

Claims 1-20 are further rejected under 35 USC 102 (b) as being anticipated by Ikkatai et al (US 6,022,102).

Ikkatai et al. discloses in Figures 2A, 4-5, 6A-6C and 9 an ink supply system for an ink jet print head comprising:

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- an ink jet head (2);
- a fluid reservoir (3 in Figure 2A or 45 in Figure 4) having top, bottom and side walls defining an interior volume for housing fluid;
- a venting port (46a, Figure 4) provided on one of the reservoir walls and having an open end;
- a fluid inlet port (46b, Figure 4) provided on one of the reservoir walls and having an open end, the open end of the venting port (46a) and the open end of fluid inlet port (46b) being located at substantially the same level, in gravitational direction, to increase volumetric efficiency and reduce staining;
- wherein the venting port (67) is coupled to an air tube (71) and the fluid inlet port (67) coupled to ink port (72) as shown on Figure 9 are located in the top wall of the fluid reservoir.
- wherein the venting port (17a) and the fluid inlet port (17b) are located at the side wall of the reservoir, see Figures 2A-2B;
- wherein at least one of the venting port (67, Figure 9) and the fluid inlet port (67) having a seal (84 in Figure 10A);
- wherein the seal are the needle septum; and
- wherein the venting port (17a) and the fluid inlet port (17b) having inlet axes aligned at an angle with respect to a vertical axis (side wall) as shown in Figures 2A-2b.

#### *Response to Applicant's Arguments*

The applicant argues that the lower ends (56a, 56b) of Oda are not located at the same level. The argument is persuasive. However, this limitation is suggested in the Ikkatai et al. and Kobayashi et al. references as stated above.

#### ***CONCLUSION***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (571) 272-2262. The examiner can normally be reached on Tuesday to Friday from 9:00 A.M. to 7:00 P.M. The fax number of this Group 2861 is (571) 273-8300.



ANH T.N. VO  
PRIMARY EXAMINER

January 27, 2006